

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 IO-13 ACDA-07 TRSE-00 /079 W
-----068787 171652Z /50
R 161538Z AUG 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN
SECSTATE WASHDC 5110

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E.O. 11652: N/A
TAGS: PGOV, BQG
SUBJECT: STOBBE ARTICLE ON FRG-BERLIN TIES

BEGIN UNCLASSIFIED

SUMMARY. JUST-PUBLISHED ISSUE OF WEST GERMAN POLITICAL JOURNAL EUROPA ARCHIV CONTAINS ARTICLE BY WEST BERLIN GOVERNING MAYOR DIETRICH STOBBE ON THE TIES BETWEEN THE FRG AND BERLIN IN FRAMEWORK OF 1971 QUADRIPARTITE AGREEMENT. STOBBE CONTENDS THAT THE AGREEMENT BETWEEN BOTH SIDES ON THE MEANING OF THE REGULATION OF THE TIES BETWEEN THE FRG AND BERLIN WAS GREATER AT THE TIME OF THE CONCLUSION OF THE QA THAN AT PRESENT. IN HIS VIEW, THE ATMOSPHERE OF MISTRUST AND GROWING TENSION MUST BE BROKEN DOWN. TO THIS END, STOBBE CONCLUDES THAT ONE MUST NOT GIVE THE IMPRESSION OF TAKING "NOT SO SERIOUSLY" RESTRICTIONS IMPOSED IN BERLIN-FRG RELATIONS. IN ADDITION, DECISIONS ON FEDERAL AND OTHER ACTIVITIES IN BERLIN SHOULD BE MADE ON PRAGMATIC BASIS WITH EYE TOWARD THE AVOIDANCE OF TENSIONS; THEY SHOULD NOT BE CARRIED OUT JUST BECAUSE THEY ARE LEGALLY PERMISSIBLE. END SUMMARY.

1. MOST OF STOBBE'S ARTICLE IS DEVOTED TO ANALYTICAL
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DISCUSSION OF FRG-BERLIN TIES IN THE FRAMEWORK OF THE QA AS ILLUMINATED BY THE FOUR-POWER TALKS LEADING TO THE AGREEMENT. THE GOVERNING MAYOR ESPOUSES THE LEGAL DOCTRINE, WITH RESPECT TO FRG-BERLIN RELATIONSHIP, THAT WHAT IS NOT EXPRESSLY FORBIDDEN IN THE TEXT OF THE QA OR IN THE AMBASSADORS' LETTER TO THE CHANCELLOR ARE PERMITTED, AS ARE THE ACTIVITIES OF FOUNDATIONS AND OTHER NON-OFFICIAL

ORGANIZATIONS, WHETHER DEPENDENT ON OR PROMOTED BY THE
FEDERAL GOVERNMENT, LAENDER INSTITUTIONS, POLITICAL PARTY
ORGANIZATIONS, LABOR UNIONS AND ASSOCIATIONS.
FURTHER, SINCE ONLY ACTS OF DIRECT STATE AUTHORITY
OVER WEST BERLIN ARE FORBIDDEN, ACTIVITIES BY THE FRG
"STATE ORGANS" SUCH AS THE ACCOMPANIMENT OF STATE GUESTS
BY FEDERAL MINISTERS, PARTICIPATING IN OR THE CHAIRING OF
MEETINGS, ACTING AS A PATRON, OPENING PUBLIC EVENTS AND
COURT DECISIONS ARE ALL ALLOWED BY THE QA. IT WAS NEVER
INTENDED THAT THE QA ELIMINATE OR REDUCE FEDERAL INSTITU-
TIONS FUNCTIONING IN BERLIN, STOBBE ADDS.

2. STOBBE NOTES THAT COMPLAINTS BY THE SOVIET UNION ABOUT
ADHERENCE TO THE QA HAVE GONE FAR AFIELD. FOR EXAMPLE,
THE SOVIETS HAVE CRITICIZED ORGANIZATIONS' ACTIVITIES
WHICH SIMPLY HAVE NOTHING TO DO WITH THE QA: BUNDESTAG
COMMITTEES AND CAUCUS MEETINGS IN BERLIN AND THE APPLI-
CABILITY IN BERLIN OF FRG LAWS TAKEN OVER IN BERLIN DECADES
AGO BY ESTABLISHED PROCEDURES WITH ALLIED CONCURRENCE.

3. STOBBE CONCEDES THAT NEITHER THE FRG NOR THE THREE
ALLIES CAN FORCE THE SOVIET UNION TO RETURN TO THE
"ORIGINAL UNDERSTANDING" OF THE QA; NOR CAN THE FRG WISH
AWAY THE CONCESSIONS PROCEEDING FROM THE RESTRICTIONS
IMPOSED BY THE THREE ALLIES AT THE TIME OF FOUNDING OF THE
FRG AND CONFIRMED IN THE QA. THE ONLY POSSIBILITY
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REMAINING, IN HIS OPINION, IS TO HOLD FAST TO A POLICY
OF DETENTE, NORMALIZATION, INTERNATIONAL COOPERATION AND
THE BUILDING OF BILATERAL RELATIONS BETWEEN THE FRG AND THE
WARSAW PACT CBZNTRIES. IT MUST ALSO BE MADE CLEAR TO THE
SOVIET UNION THAT THE EXPERIENCE
IN THE APPLICATION OF THE QA WILL SURELY HAVE AN INFLUENCE
ON THE POSITION OF THE WESTERN GOVERNMENTS ON FUTURE
DETENTE AGREEMENTS. THE PUBLIC MISTRUST ENGENDERED BY
SOVIET BEHAVIOR WITH REGARD TO THE QA CAN HARDLY BE SUITED
TO INCREASING THE READINESS OF WESTERN GOVERNMENTS TO MAKE
NEGOTIATIONS AND CONCESSIONS.

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USIA-06 IO-13 ACDA-07 TRSE-00 /079 W
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4. WHILE STOBBE'S ARTICLE DOES NOT ADVOCATE THE OBLITERATION OF THE DISTINCTION BETWEEN LEGALLY PERMISSIBLE AND IMPERMISSIBLE ACTIVITIES IN FRG-BERLIN RELATIONS, TO BERLIN'S DETRIMENT, HE DOES INSIST ON A SHARP SEPARATION BETWEEN THE QUESTION OF LEGAL PERMISSIBILITY AND POLITICAL EXPEDIENCY AND APPROPRIATENESS (ZWECKMAESSIGKEIT). IN THIS REGARD, STOBBE WRITES, THE PUBLIC DISCUSSION OF TIES SHOULD NOT BE FIXED ON THE VISIBLE, SOMETIMES DEMONSTRATIVE ACTIVITIES OF THE FRG IN BERLIN, BUT RATHER ON THE FUNDAMENTAL MEANING OF TIES FOR THE VIABILITY OF THE CITY. SPECIFICALLY, STOBBE ASKS THAT IN THE QUESTION OF WHETHER FEDERAL (AND OTHER) INSTITUTIONS SHOULD BE MOVED TO BERLIN, OR WHETHER PUBLIC EVENTS (VERANSTALTUNGEN) TAKE PLACE IN BERLIN. THE CONTRIBUTION OF ANY SPECIFIC PROJECT TO BERLIN'S VIABILITY SHOULD BE A PRIMARY CONSIDERATION,--- NOT MERELY WHETHER IT IS LEGALLY PERMISSIBLE. THE FRG POLITICAL FORCES HAVE THE DIFFICULT TASK, STOBBE CONCLUDES, OF WATCHING OVER THE TIES WITH BERLIN WHILE UNRESERVEDLY RESPECTING THE LEGAL AND POLITICAL RESTRICTIONS, AND BREAKING DOWN MISTRUST, AND FORBEARING - IF THE REPRESENTATION CAN BE MADE - FROM DOING THAT WHICH CAN FEED MISTRUST SO THAT BERLIN STOPS BEING A HINDRANCE TO DEVELOPMENT OF RELATIONS WITH THE SOVIET UNION AND OTHER
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WARSAW PACT NATIONS OR TO THE PROCESS OF DETENTE. THE BETTER THIS TASK IS FULFILLED, THE MORE CONVINCINGLY CAN THE SOVIET BE REQUESTED TO OWN UP TO THE COMMON UNDERSTANDING OF THE ORDERING OF THE BERLIN-FRG RELATIONSHIP WHICH THE CONCLUSION OF THE QA FIRST MADE POSSIBLE.

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5. COMMENT: THUS FAR STOBBE'S ARTICLE HAS NOT RECEIVED VERY WIDESPREAD PUBLIC COMMENT. HIS LINE OF ARGUMENTATION

IS MODERATE AND, IN OUR OPINION, QUITE ACCEPTABLE.
THE ARTICLE IS VERY MUCH IN LINE WITH STOBBE'S
OVERALL TWO-PRONGED POLITICAL STRATEGY FOR PUTTING
THE SPD (AND HIMSELF) BACK ON TOP IN BERLIN IN THE
MARCH 1979 ELECTIONS - KEEP THE INTERNATIONAL ASPECTS OF
BERLIN POLITICS CALM, AND CONCENTRATE THE SENAT'S MAJOR
ENERGIES ON THE RESOLUTION OF THE CITY'S LONG-NEGLECTED
COMMUNAL POLITICAL PROBLEMS. IT WILL BE NOTED THAT IN ITS PAYOFF
CONCLUSIONS, THE ARTICLE IS VERY MUCH IN LINE WITH VIEWS
CHANCELLOR
SCHMIDT HAS ADVANCED ABOUT WHAT IS GOOD FOR BERLIN. IT
IS VERY MUCH DIFFERENT FROM WHAT KLAUS SCHUETZ WAS GIVEN
TO SAYING, AT LEAST IN ITS EMPHASIS, AND THIS CAN HARDLY
BE MISSED BY ITS READERS--NO DOUBT AS INTENDED BY STOBBE.
GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, FOREIGN RELATIONS, BERLIN QUADRIpartite MATTERS
Control Number: n/a
Copy: SINGLE
Sent Date: 16-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USBERL02152
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770297-0060
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770855/aaaabuqk.tel
Line Count: 185
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 02bff759-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1583215
Secure: OPEN
Status: NATIVE
Subject: STOBBE ARTICLE ON FRG-BERLIN TIES BEGIN UNCLASSIFIED SUMMARY. JUST-PUBLISHED ISSUE OF WEST GERMAN POLIT
TAGS: PGOV, GE, WB, GC, BQG, (STOBBE, DIETRICH)
To: BONN STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/02bff759-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009